

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THERESA BROOKE,
Plaintiff,

v.

RIHH LP,
Defendant.

Case No. [19-cv-06852-SI](#)

**ORDER DENYING MOTION FOR
SANCTIONS**

Dkt. No. 22

On February 19, 2020, plaintiff filed a notice with the Court (the “First Notice”), to which defendant objected. Dkt. No. 12 (Notice); Dkt. No. 13 (Objections). The Court entered an order on February 28, 2020 striking the First Notice as improper because it did not fall into any category of filings listed in the Federal Rules of Civil Procedure or the Northern District Civil Local Rules. Dkt. No. 14 at 1 (Order).

On March 22, 2020, Plaintiff filed another notice (the “Second Notice”) and, again, defendant objected. Dkt. No. 18 (Notice); Dkt. No. 19 (Objection). On March 26, 2020, the Court entered an order again striking plaintiff’s Second Notice as improper. Dkt. No. 20 (Order).

On March 29, 2020, defendant filed the instant motion for sanctions in the amount of \$2,025 pursuant to Local Rule 1-4¹, 28 U.S.C. § 1927², and the Court’s inherent powers. Dkt. No. 22-1 at

¹ Under the Northern District of California Local Rule 1-4, “[f]ailure by counsel or a party to comply with any duly promulgated local rule or any Federal Rule may be a ground for imposition of any authorized sanction.” N.D. Cal. Civ. L.R. 1-4. “District courts have broad discretion in interpreting and applying their local rules.” *Bertoli v. Wachovia Corp.*, No. C11-3432, 2011 U.S. Dist. LEXIS 110600, at *5 (N.D. Cal. Sept. 28, 2011) (citing *Miranda v. Southern Pacific Transp. Co.*, 710 F.2d 516, 521 (9th Cir. 1983)).

² The Court has discretion to order sanctions pursuant to § 1927 and under its inherent powers. *Arroyo v. Cont’l Airlines, Inc.*, 173 Fed. Appx. 634, (9th Cir. 2006).

3 (Motion for Sanctions). Defendant argues plaintiff should be sanctioned for violating local court and federal rules by intentionally filing the frivolous Second Notice in bad faith, increasing defendant's costs. Dkt. No. 22-1 at 4-5 (Motion for Sanctions).

Prior to filing the instant motion, defendant requested sanctions in its objection to the Second Notice. Dkt. No. 19 at 2, 5. The Court's order on the Second Notice explicitly ordered plaintiff to adhere to local and federal rules *or risk future sanctions*. Dkt. No. 20 at 1 (Order). Under these circumstances, the current motion for sanctions is DENIED.

IT IS SO ORDERED.

Dated: April 13, 2020



SUSAN ILLSTON
United States District Judge